

Remarks

Applicant requests reconsideration and allowance of this application in view of the foregoing amendments and the following remarks.

Applicant wishes to thank the Examiner for the courtesies extended to applicant's undersigned attorney during a telephone conference on October 19, 2005, during which the claims and the reference were discussed.

The claims are amended to correct the formal matters noted in the Office Action. Claim scope has not been changed.

Applicant respectfully traverses the Section 102 rejection of the pending claims over Reinecke.

Reinecke in the primary embodiment shows using a vehicle computer to "bypass" the brake valve by using a solenoid-controlled bypass valve 32 (and an additional check valve 33) to provide reservoir air directly to driven wheel modulators, to provide an ATC function.

Applicant's claims specifically call for a "dual brake valve" (or an "actuator" thereof) to be "electrically actuated" to provide the ATC function. This does not happen in Reinecke's primary embodiment--the dual brake valve 6 is not operated, but is rather "bypassed". Applicant therefore submits that the claims are not anticipated by Reinecke's primary embodiment.

As pointed out by the Examiner, in an alternative embodiment at Column 3, lines 31-45, Reinecke proposes "employing the operator's brake valve device 6 to provide braking pressure" for an ATC function. Nevertheless, there is no showing in Reinecke of how this is to be accomplished.

Specifically, Reinecke does not disclose how to actuate the dual brake valve, either by computer or otherwise, to accomplish this function. The "operator's brake valve device 6" as disclosed in Reinecke is not electrically controlled by an ECU or computer or otherwise. Therefore, even this portion of Reinecke does not meet the standard for a rejection of applicant's claims under Section 102. "In determining that quantum of prior art disclosure which is necessary to declare an applicant's invention 'not novel' or 'anticipated' within Section 102, the

stated test is whether a reference contains an 'enabling disclosure'" *In re Hoeksema*, 399 F. 2d 269 (CCPA 1968). Accordingly, the discussion in Reinecke as to the possibility set forth in the alternative embodiment, is incomplete and is not sufficient to render unpatentable the pending claims of this application.

Applicant respectfully requests that the rejection be withdrawn and that this application be passed to issuance.

Respectfully submitted,

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